THE MINISTER OF STATE IN THE MINISTRY OF COAL (SHRI AJIT KUMAR PANJA) : (a) Yes, Sir.

(b) Soil investigation is complete. Design has been submitted to Chief Engineer P.W.D. M.P. for approval. The bridge is expected to be completed by January, 1996.

(c) The estimated cost of the Project is Rs. 2.80 crores. Mobilisation advance of Rs. 1.00 crore has been paid to Indian Railway Construction Company Limited who are executing the job, on turn key basis.

**श्री गोविन्द राम मिरी** : सभापति महोदय, गत विधान सभा चुनाव के समय वोट लेने के लिए यह घोषणा की गयी थी कि 1994 में पुल का निर्माण पूरा कर दिया जाएगा । मैं वहां रहता हूं । वहां पर मंत्री जी के नाम का पत्थर लगाने के सिवाय कोई कार्य नहीं हुआ है । तो मैं माननीय मंत्री जी से जानना चाहता हूं कि यह जो गोल-मोल जवाब दिया गया है कि खाका प्रस्तुत कर दिया गया है, तो यह खाका कब प्रस्तुत किया गया था और इस पर क्या फालोअप ऐक्शन हो रहा है ? सेकंड क्वेश्चन मेरा यह है कि कहीं ऐसा तो नहीं है कि जब अगले लोकसभा के चुनाव आयेंगे, उस समय ही यह कार्य नहीं प्रारंभ किया जायेगा ? तब ही इस पर कोई कार्यवाही की जाय ऐसी तो कोई मंशा नहीं है, यह मैं मंत्री जी से जानना चाहता हूं ?

SHRI AJIT KUMAR PANJA : Mr. Chairman, Sir, I am not aware of any such thing happening before the Vidhan Sabha elections in Madhya Pradesh. But I have clearly stated that as per the report obtained, the completion of the work is estimated to be by January, 1996.

**श्री गोविन्द राम मिरी** : सर, मेरा स्पेसिफिक क्वेश्चन था कि 1993 के असेंबली के चुनाव में कहा गया था कि 1994 तक उसको पूरा कर देंगे लेकिन अब कह रहे हैं 1996 में पूरा हो जायेगा । तो क्या, अगले चुनाव तक के लिए इसको पोस्टपॉन रखेंगे और वोट कमाने की योजना के तहत 'गो स्लो' कार्यवाही कर रहे हैं ?

MR. CHAIRMAN : The Minister gave a specific time, i.e. January, 1996. He has given the time by when it will be completed. Who can say whether or not there will be an election at that time ?

**श्री गोविन्द राम मिरी** : सभापति महोदय, मैं जानना चाहता हूं कि यह 1994 में पूरा क्यों नहीं होगा ? 1996 में इसको पूरा करने के लिए कह रहे हैं, इसका क्या कारण है और जो नक्शा दिया गया है उस पर क्या फालो-अप ऐक्शन हुआ है ?

MR. CHAIRMAN : That is a legitimate question. Would the Minister kindly answer why it could not be done earlier than 1996 ?

SHRI AJIT KUMAR PANJA : Sir, sanction of the work at a cost of Rs. 2.80 crore was given to IRCON on 10th March, 1993. The soil had to be tested. Thereafter, taking every angle of the work into consideration, it has to be constructed. One point came up—the public also represented—that the place where it was initially proposed would create congestion in the town of Bilaspur. So, the Commissioner called a meeting and slightly changed the alignment so that there would be no congestion. That was why there was some amount of delay. But the gestation period of such a huge project on the river, Arpa—there are two bridges already and this is the third bridge on which they are going to construct—will usually be 3-4 years. So, it was to be completed by December, 1995. It has been extended to January, 1996. This time-lag took place because of the changed realignment.

***Farmer to Farmer Exchange under Upov***

*389. SHRI G. G. SWELL :†
SHRI CHIMANBHAI MEHTA :

Will the Minister of COMMERCE be pleased to state :

(a) whether it is a fact that under UPOV 1978 dispensation farmer to farmer exchange will be possible for new seeds with the permission of plant breeder's only ;

(b) whether 1991 UPOV version moves the system of plant variety protection nearer the patent system by imposing restrictions on the right of the farmer to propagating material even for use on his own holding ;

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†The question was actually asked on the floor of the House by Shri G. G. Swell.

(c) whether the worl word micro-organism is defined in TRIPS or any international convention;

(d) whether British Agro Scientists are against patenting of living organisms and if so, details thereof;

(e) whether farmers can sell their surplus seeds of protected variety without using brand name;

(f) whether farmers would be able to sell protected varieties and seeds after the year 2000 without using brand name; and

(g) whether the right holder would be allowed to charge any price he likes for protected seed and varieties?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) to (g) A Statement is laid on the Table of the House.

**Statement**

UPOV 1978 provides that the prior authorisation of the breeder shall be required for

— the production for purpose of commercial marketing.

— the offering for sale.

— the marketing of the protected variety.

Farmer-to-farmer exchange is not covered.

UPOV 1991 contains higher standards of protection. However the provisions allow for the retention by farmers of seed of the protected variety from their own harvest for further sowing on their land.

The scope of protection under both organisation of UPOV does not extend to acts done privately and for non-commercial purposes.

A draft legislation for the protection of plant varieties is under consideration of Government. It provides for the rights of farmers to save, use, exchange and sell seed other than branded seed.

The term 'micro-organism' has not been defined in the TRIPS Agreement. Price control measures are not addressed by the TRIPS Agreement.

Government do not have information on the views of British Agro Scientists on patenting of living organisms.

SHRI G. G. SWELL: Sir, the ambivalence and ambiguity of the Government is outstanding. I request you to impress upon them that they should not take us, the Members of this House, to be suckers. Sir, in his reply, the Minister says as follows:

> "UPOV contains higher standards of protection. However, the provisions allow for the retention by farmers of seed of the protected variety from their own harvest for further sowing on their land."

But, there is a publication, rather by the Ministry of Information and Broadcasting, which says:

> "The 1991 version of UPOV moves the system of plant variety protection nearer the patent system by imposing restrictions on the right of the farmer to produce the propagated material even for use in his own land...."

On the one hand, you say that the farmer can use it in his own land and, on the other hand, you say that it is moving towards the patent system. That will not allow the farmer to use the protected seed even in his own land.

Will he explain the ambiguity and the contradiction?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): There is no contradiction. Even in the text itself, I have said. Even under UPOV 1991, the farmers can use it on their own land. Where is the contradiction?

SHRI G. G. SWELL: The contradiction is in their own publication, Sir.

SHRI PRANAB MUKHERJEE: What have they said? They have also said that they can repeat it in their land.

SHRI G. G. SWELL: I hope he understands what I say.

SHRI PRANAB MUKHERJEE : Even in the booklet also, it is there that they can use it in their own land. (*Interruptions*).

SHRI G. G. SWELL : It is in their own publication, Sir, that UPOV is moving the system nearer to the patent system by imposing restrictions on the right of the farmer to produce and propagate the material even for use on his own land. I speak English. And I hope he understands English.

MR. CHAIRMAN : Is that the final position ?

SHRI PRANAB MUKHERJEE : No, Sir. Let me explain what is UPOV 1991. UPOV 1991 has not yet been ratified. It does not exist politically because the requisite numbers.... (*Interruptions*) I do not know why he is thinking of UPOV 1991. So far as UPOV 1991 is concerned.... (*Interruptions*).... the factual position is that the requisite number of countries have not yet ratified it. Therefore....

SHRI G. G. SWELL : Then why did you bring it ?

SHRI PRANAB MUKHERJEE : That is a different issue. (*Interruptions*) So far as UPOV 1991 is concerned, the factual position is that it has not yet been ratified by the requisite number of countries.... (*Interruptions*)

MR. CHAIRMAN : Please listen to the Minister.

SHRI PRANAB MUKHERJEE : But once UPOV 1991 is there, that position has been given in that pamphlet. And we have also said — and that is the factual position — in the text itself that there is no commitment in respect of the patenting of seeds and the patenting of micro-organism that it should be guided either by UPOV 1978 or UPOV 1991. (*Interruptions*) Therefore, my submission is that had the hon. Member wanted to know what is there in the I&B pamphlet and what we are doing, I would have answered it. I can only answer with reference to the text of the questions which he has referred to as to what is there in 1978 UPOV and what is there in 1991 UPOV. And I have answered that. If there is any anomaly in any other Government document, I will check up. But he cannot suddenly spring it up and say, you explain it here. It is not possible.

MR. CHAIRMAN : Second supplementary.... (*Interruptions*)

SHRI G. G. SWELL : Is it a fact that by the end of this year you are going to sign UPOV 1978, although you have five years not to do it ? What are the reasons, what are the advantages for signing it by this year end ? Will you explain ?

SHRI PRANAB MUKHERJEE : Sir, we are not signatories to any UPOV..

SHRI S. JAIPAL REDDY : We are signatories to UPOV 1978....

SHRI PRANAB MUKHERJEE : Yes.

SHRI S. JAIPAL REDDY : .... and not 1991.

SHRI G. G. SWELL : I am saying of 1978.

SHRI CHATURANAN MISHRA : If you are going in terms of accepting it....

SHRI G. G. SWELL : I am speaking about 1978.

SHRI CHATURANAN MISHRA : .. how will we get protection ?.. (*Interruptions*)

SHRI G. G. SWELL : I have got the qualifications to know how to speak English.... (*Interruptions*)

SHRI PRANAB MUKHERJEE : Mr. Chairman, Sir, I am afraid the hon. Members are under the impression that if we want to protect our farmers through the *sui generis* mechanism, we shall have to follow a particular model of UPOV. Most respectfully, I submit that I have clarified this point on earlier occasions. Nothing in this agreement compels any country to follow any particular model. Effective *sui generis* protection can be given by law, and even you can hold the model of both. There is nothing that

anybody will have to follow a particular model. I am afraid, where is that provision ?

SHRI S. JAIPAL REDDY : We respectfully disagree with the Minister. He has not read the text properly.

MR. CHAIRMAN : Dr. Ashok Mitra.

SHRI ASHOK MITRA : Mr. Chairman, Sir.... *(Interruptions)*

SHRI CHIMANBHAI MEHTA : Sir, my name is there.

MR. CHAIRMAN : I am sorry, there is one more Member to put a supplementary... *(Interruptions)*

SHRI ASHOK MITRA : Sir, the rights of the farmers....

SHRI CHIMANBHAI MEHTA : Mr. Chairman, Sir.... *(Interruptions)*

MR. CHAIRMAN : Mr. Ashok Mitra, he has to put a supplementary. *(Interruptions)*. The questions of both of you will be washed off by the passage of time because the Question Hour is going to be over... *(Interruptions)*

AN HON. MEMBER : Sir, Question Hour is over.

MR. CHAIRMAN : Question Hour is not yet over. He can put a supplementary.

SHRI CHIMANBHAI MEHTA : Sir, I am not interested in UPOV 1978 or UPOV 1991. These words are not understood by the farmers. Sir, I want to know whether farmer to farmer exchange of seeds sown by them, reharvested by them, repropagated by them, is permissible. This is the only simple question I want to ask.

SHRI PRANAB MUKHERJEE : So far as the rights of the farmers are concerned, these rights with regard to retention, multiplication, exchange and sharing without brand names will be protected by our own laws effectively.

MR. CHAIRMAN : The Question Hour is over. Papers to be laid.

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## WRITTEN ANSWERS TO QUESTIONS

### Unemployed Persons Registered in the Country

382. SHRI MOHAMED AFZAL alias MEEM AFZAL : Will the Minister of LABOUR be pleased to state :

(a) what is the number of registered unemployed persons in the country as on 31st March, 1994, State-wise ; and

(b) what is the number of educated unemployed among them, State-wise ?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b) Data on the number of job-seekers [including educated (matric & above) job-seekers] all of whom were not necessarily unemployed, who were on the live register of employment exchanges as on 31st January, 1994 (latest available) are furnished in the attached Statement (I). Separate figures of educated registrants as on 31st March, 1994 have not yet been compiled.

Statement I

*Number of job-seekers on the Live Register of Employment Exchanges*

(In thousands)

| S. No. | State/Union Territory | Total number on live register as on | | Educated (Matric & above) job-seekers on the live register as on | |
|---|---|---|---|---|---|
| | | 31-1-94 | 31-12-91 | 31-12-91 | 31-1-94 |
| 1 | 2 | 3 | 4 | 5 | 6 |
| States : | | | | | |
| 1. | Andhra Pradesh . . . | 2981.0 | 3208.7 | 1950.0 | Not |
| 2. | Arunachal Pradesh . . . | 11.1 | 5.1 | 0.3 | yet |